

July 27, 2001

Hon. John Engler, Governor  
Hon. Dan DeGrow, Senate Majority Leader  
Hon. Rick Johnson, Speaker of the House  
Members of the Michigan Legislature  
Members of the Michigan Judiciary

Re: Supreme Court Administrative File 01-32 - Court Reorganization

We are writing today to begin the process of constructing a proposal for court reorganization. We seek together with you to create a court structure that best serves the citizens of Michigan.

As you know, the Legislature created the family division of the circuit court in 1996 by transferring subject matter jurisdiction for juvenile matters from the probate court to the circuit court. Also in 1996, this Court authorized two-year demonstration projects in six courts of diverse settings (Berrien, Barry, Isabella, Lake and Washtenaw counties and the multi-county circuit that includes Crawford, Kalkaska, and Otsego) to study and evaluate the concept of court consolidation. The Court acted in response to the recommendations of the Commission on Courts in the 21<sup>st</sup> Century and the Michigan Justice Project, which advocated a more streamlined trial court structure.

In order to make both the family division and the demonstration projects operational, this Court exercised its assignment authority to permit judges to serve in a court other than the court to which they were elected or appointed. Const 1963 art 6, § 4; MCL 600.219 and 600.225; see also *In re Huff*, 352 Mich 402 (1958). Cross-assignment of probate judges to the family division is expressly anticipated and referenced by MCL 600.1011, 600.1013, and 600.1019. Later, at the request of the participating courts and their funding units, and in light of evidence of positive results,

this Court extended the demonstration projects until further order, and, in 1999 began a seventh demonstration project in Iron County. Effective October 1, 2000, the Legislature appropriated \$2.3 million for the "Next Generation" of demonstration projects for fiscal years 2001-02 and 2002-03. With this funding, the Court continued to explore court innovations by authorizing a dozen "Next Generation" projects within the last six to eight months. (Cheboygan, Kalamazoo, Marquette, Genesee, Midland, Oakland, Livingston, Eaton and the multi-county circuit that includes Arenac, Ogemaw and Roscommon are approved. Bay, Ingham and Muskegon are in the approval process.)

The creation of the family division has provided the opportunity for better service to families through coordination and consolidation of cases. Likewise, the first generation of demonstration projects has yielded significant and measurable public service improvements in local courts, including greater administrative efficiency, more expedient case processing, and reduced costs to local funding units. The "Next Generation" projects will similarly provide invaluable information for this planning process. The Court is grateful to the judicial and non-judicial officials who have participated in the projects for their commitment to improved service delivery to the public.

Although this Court has appropriately used its assignment authority to test potentially valuable changes in the demonstration courts and to implement the family division, such prerogative is not a substitute for permanent structural change as authorized by the people through constitutional amendment or by the Legislature as permitted by the constitution. The Court is ready to work with the Legislature to develop a plan that will provide for the continued operation of the family division with or without the assignment of judges from other courts, in a manner that allows for local flexibility, and to extend the benefits of the demonstration projects to all Michigan citizens.

In fulfilling its administrative duty to oversee the trial courts in a manner that best serves the interests of the public, the Court will begin the process of constructing a proposal for court reorganization. The Court will hold public hearings on this matter, the first of which will be September 13, 2001, in Lansing. The Court will be inviting comments from judicial associations, the State Bar of Michigan, and other interested persons and organizations regarding all aspects of court reorganization.

In addition, the Court will direct the State Court Administrator to provide a report on the judicial resources necessary for the operation of the family division, and a written evaluation of the demonstration projects, by October 1, 2001.

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We look forward to working with you in this effort to better serve the citizens of Michigan.

Respectfully,

Maura D. Corrigan  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman